

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6936 OF 2004

IN

APPEAL NO.51 OF 2000

IN

R.A.E. & R. SUIT NO.52 /162 OF 1988

Suresh Ramrao Deshmukh & Ors. ..Petitioners.

Vs.

Sadipen Maruti Dobole ..Respondent.

and

Ramrao N. Deshmukh

(since deceased)

Suresh Ramrao Deshmukh & anr. ..Petitioners.

Dharma Kaka Lendve ..Respondent.

....

Mr.R.D.Mishra for the Petitioners.

CORAM : DR.D.Y.CHANDRACHUD, J.

10th June, 2005.

P.C. :

Clause (a) of sub section (1) of Section 22

of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 provides that notwithstanding anything contained in any other law for the time being in force, no person shall except with the previous permission in writing of the competent authority institute, after the commencement of the Act, any suit or proceeding for obtaining any decree or order for the eviction of an occupier from any building or land in a slum area or for recovery of any arrears of rent or compensation from any such occupier, or for both. In the present case, the order of the competent authority dated 4th May, 1987 which is adverted to in paragraph 16 of the judgment of the Appellate Bench of the Small Causes Court clearly provides that the permission which was granted was to recover the rent. No permission was granted by the competent authority for securing eviction of the tenant. In that view of the matter, the Appellate Bench of the Small Causes Court was correct in setting aside the decree for eviction and confining the decree to the recovery of rent. There is no merit in the Petition which is accordingly rejected.